



CITY OF MEMPHIS

COUNCIL AGENDA

September 1, 2015

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (August 18, 2015)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS (None)

DIVISION OF PLANNING AND DEVELOPMENT

1. RESOLUTION approving a planned development located approximately 110 feet southeast of the intersection at Sam Cooper and Tillman Street, containing 4.87 acres in the R-6 District. This resolution is sponsored by the Office of Planning and Development.
Collins
Chairman,
Planning &
Zoning Committee

Case No. PD 15-315

Applicant: Binghampton Gateway Center
John Perry, Kimley-Horn & Associates – Representative

Request: Allow a Planned Development for a retail center with a grocery store component

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

2. RESOLUTION approving a special use permit located on the northeast corner of Jackson Avenue and N. Front Street, containing 1.07 acres in the Mixed Use (MU) District. This resolution is sponsored by the Office of Planning and Development. Case No. SUP 15-213
Collins
Chairman,
Planning &
Zoning Committee

Applicant: Front Street Group, LLC
Brenda Solomito Basar – Representative

Request: Allow an extended stay hotel and retail component

LUCB and OPD recommendation: APPROVAL

No Opposition at LUCB; No Public Hearing Required

3. RESOLUTION approving a special use permit located at 2207 S. Lauderdale Street, (Northwest corner of W. Mallory Avenue and S. Lauderdale Street), containing 0.16 acre in the Commercial Mixed Use-1 (CMU-1) District. This resolution is sponsored by the Office of Planning and Development. Case No. SUP 15-214
Collins
Chairman,
Planning &
Zoning Committee

Applicant: Madeline Lyles

Request: Establish an Embalming Service

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

4. ORDINANCE rezoning the intersection of Summer Avenue and Graham Street; extending east along Summer Avenue +/-292.07 feet and north along Graham Street +/-271.93 feet and applying to the east side of Graham Street only, containing 0.484 acre in the Residential Urban-3 (RU-3), General Office (O-G) and Residential Single Family-6 (R-6) Districts, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning and Development. (Held from 7/21; 8/18) Case No. RC 15-401 Ordinance No. 5590
Collins
Chairman,
Planning &
Zoning
Committee

Applicant: H/Residential LLC and H/Summerview LLC
Solomito Land Planning-Brenda Solomito Basar – Representative

Request: Delete a portion of the Graham Street Residential Corridor

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

56 NOTICES WERE MAILED ON JULY 10, 2015



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

5. **ORDINANCE** to amend Chapter 25, Pension and Retirement System of the City of Memphis, Code of Ordinances, to Modify the Disability Provisions, up for **S E C O N D** reading. Ordinance No. 5598 is sponsored by Councilman Kemp Conrad and Chairman Myron Lowery.
- Crone
Chairman,
Personnel &
Intergovernmental
Committee
- ACTION REQUESTED:** Adopt the ordinance on Second reading

6. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to amend Section 25-200 of the 1978 Plan to add Paragraph G to allow for limited suspension of the DROP Program by qualifying participants, up for **S E C O N D** reading. Ordinance No. 5599 is sponsored by Administration.
- Lowery
Chairman,
Executive
Session
- ACTION REQUESTED:** Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

7. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010 and by Shelby County on August 9, 2010, as amended, to revise and enhance the Joint Zoning and Subdivision Regulations as recommended by the Memphis and Shelby County Office of Planning and Development and the Land Use Control Board, up for **F I R S T** reading. This ordinance is sponsored by the Office of Planning and Development.
- Collins
Chairman,
Planning &
Zoning
Committee

Case No. ZTA 15-002cc
Ordinance No. 5600

Applicant: Memphis and Shelby County Office of Planning & Development
Josh Whitehead, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified Development Code

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** rezoning the north side of Summer Avenue; +/-225 feet west of Vaughn Avenue, containing 0.55 acre in the Residential Single Family (R-6) District, up for F I R S T reading. This ordinance is sponsored by the Office of Planning and Development.
- Collins
Chairman,
Planning &
Zoning Committee
- Case No. Z 15-102
Ordinance No. 5601

Applicant: Belinda P. Thompson & Bernie J. Brown, Trustee
Winchester Law Firm – Rick Winchester – Representative

Request: Commercial Mixed Use (CMU-1) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATION FROM OPD

9. **NOTATION** from the Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

- A. Case No. S 15-09 – Clark and Fay’s Belle Meade Subdivision
(Held from 8/18)

Located on the northwest corner of Poplar Avenue and Belle Meade Lane, containing .71 acre.

Appellant: John R. Wills, Jr.

Request: Overturn the decision of the Land Use Control Board on 07/09/15, which rejected a proposed two-lot re-subdivision

OPD recommendation: APPROVAL, of the re-subdivision with conditions

LUCB recommendation: REJECTION, of the re-subdivision

ACTION REQUESTED: Set a date of public hearing

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SUGGESTED DATE: September 15, 2015

GENERAL ITEM (None)



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

24. **JOINT ORDINANCE** to amend the provisions of the 2012 Joint Mechanical Code of Memphis and Shelby County related to the operation and safety monitoring of certain Power Boilers to make these requirements more closely align with State of Tennessee requirements for the operation of such equipment, up for **T H I R D** and **F I N A L** reading. Ordinance No. 5584 is sponsored by the Office of Planning and Development. (Held from 5/19; 6/2; 7/7)
- Collins
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

25. **ORDINANCE** to add Title V, Chapter 40, of the City of Memphis, Code of Ordinances, to create the Memphis Tourism Improvement District, up for **T H I R D** and **F I N A L** reading. Ordinance No. 5595 is sponsored by Councilman Edmund Ford, Jr.
- Halbert
Chairman,
Economic
Development &
Tourism Committee

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** to amend Title 5, Chapter 5-20, of the Memphis Municipal Code, to increase the existing Hotel/Motel Occupancy Tax to 3.5%, up for **T H I R D** and **F I N A L** reading. Ordinance No. 5596 is sponsored by Councilman Edmund Ford, Jr.
- Halbert
Chairman,
Economic
Development &
Tourism Committee

ACTION REQUESTED: Take whatever action Council deems advisable

27. **JOINT ORDINANCE** amending a provision in the local amendments to the 2012 Edition of the International Code Council International Residential Code, also referred to as the Memphis and Shelby County Residential Code, to address when the use of engineered shear panels for seismic protection of residential structures is required, up for **T H I R D** and **F I N A L** reading. Ordinance No. 5597 is sponsored by Councilman Reid Hedgepeth.
- Collins
Chairman,
Planning &
Zoning
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

28. RESOLUTION appropriating \$350,000.00 in Other Project Cost funded by G. O. Bonds General to continue the implementation of the Urban Art Plan, CIP Project Number EN01003 chargeable to the FY 2016 Capital Improvement Budget. This resolution is sponsored by Engineering.

Hedgepeth
Chairman,
Public Works
& Transportation
Committee

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

29. RESOLUTION approving the City of Memphis Division of Housing and Community Development's leases and/or subleases of City of Memphis property that may be subject to City of Memphis Ordinance 2-291 relating to Real Property for FY2016. This resolution is sponsored by Housing and Community Development.

Brown
Chairman,
Housing &
Community
Development
Committee

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION approving the Parking Agreement between the City of Memphis and Raymond James and Associates, Inc., relative to the property located at 1 Riverside Drive, Memphis, Tennessee. This resolution is sponsored by Housing and Community Development.

Brown
Chairman,
Housing &
Community
Development
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

31. RESOLUTION to approve an increase of the City Attorney's Office Authorized Complement to take effect upon the approval of the minutes. This resolution is sponsored by the Law Division. (Held from 4/7; 4/21; 5/5; 5/19; 7/7)

Strickland
Vice-Chairman,
Personnel &
Intergovernmental
Committee

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARKS AND NEIGHBORHOODS

32. RESOLUTION appropriating \$250,000.00 funded by G.O. Bonds General chargeable
W. Boyd to the FY2016 Capital Improvement Budget for Zoo Major Maintenance, Project
Chairman, Number PK09002. The resolution is sponsored by Parks and Neighborhoods.
Parks Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

33. RESOLUTION to extend authorization of City Administration to fund City
Halbert insurance coverage for Pre-65 Retirees to December 2016.

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Held until November 3, 2015
3. Approved
4. Held for 6 months
5. Through 8 – Approved
9. Back to Land Use Control Board
10. Through 23 – Approved
24. Failed
25. and 26 – Approved, as amended
27. Through 29 – Approved
30. Held until September 15, 2015
31. Held until November 3, 2015
32. and 33 – Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 18, 2015

Approved, as amended

**ACTION TAKEN ON THE MINUTES OF SEPTEMBER 1, 2015 FOR ITEM 27
ONLY:**

Approved